

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RANDALL CLAUSEN and)	Case No. _____
PEGGY CLAUSEN,)	
)	
Plaintiffs,)	NOTICE OF REMOVAL AND
)	REQUEST FOR PLACE OF TRIAL
v.)	
)	
RESERVE NATIONAL INSURANCE)	
COMPANY,)	
)	
Defendant.)	

Please take notice that pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Reserve National Insurance Company (“Defendant”) hereby removes, to the United States District Court for the District of Nebraska, the matter of Case No. CI 14-152, which is currently pending in the District Court of Madison County, Nebraska (the “Madison County Action”).

In support of removal, Defendant states as follows:

THE MADISON COUNTY ACTION

1. This action is a civil action in which the Plaintiffs seek relief for breach of contract and misrepresentation. The United States District Court for the District of Nebraska has jurisdiction by reason of the diversity of citizenship of the parties.

2. On April 16, 2014, Plaintiffs initiated the Madison County Action by filing a complaint (the “Complaint”) in the District Court of Madison County, Nebraska, against Defendant.

3. Defendant was served by certified mail on June 11, 2014. As of the date of this Notice of Removal, no pleadings, process, or Orders have been

served or issued in the State Court Action, other than the Summons and Complaint.

4. A true and correct copy of the Complaint is attached as Exhibit A.

5. Defendant has not filed an answer.

DEFENDANT

6. Defendant is a citizen of the State of Oklahoma for diversity purposes, with its principal office located in Oklahoma City, Oklahoma.

PLAINTIFFS

7. As alleged in the Complaint, Plaintiffs are residents and citizens of Nebraska.

AMOUNT IN CONTROVERSY

8. The Complaint seeks an unspecified amount of damages. Based upon medical claims filed with the Defendant and denied, Defendant reasonably believes that the amount in controversy exceeds \$75,000 exclusive of the interest and costs.

9. The damages that Plaintiffs seek thus satisfies the amount-in-controversy requirement.

JURISDICTION AND VENUE

10. This Court has original jurisdiction under 28 U.S.C. § 1332(a)(1) over this action, because this is a civil action in which Plaintiff seeks relief with a value greater than \$75,000, exclusive of interest and costs, and because this is an action between citizens of Nebraska, as plaintiffs, and citizen of another state, as defendant, such that complete diversity of citizenship exists.

11. Removal jurisdiction is therefore proper under 28 U.S.C. § 1441(a).

12. Venue is proper in this district under 28 U.S.C. § 1441(a) because the District of Nebraska embraces Norfolk, Madison County, Nebraska, the place in which the Madison County Action is pending.

13. Removal is timely under 28 U.S.C. § 1446(b) as it is made within 30 days after Defendant first received the Complaint by any means.

Based upon the foregoing, Defendant requests that this action proceed in this Court as an action properly removed to it.

REQUEST FOR PLACE OF TRIAL

Defendant requests trial in Lincoln, Nebraska.

Dated: June 18, 2014

RESERVE NATIONAL INSURANCE
COMPANY, Defendant

/s/ Terry R. Wittler

Terry R. Wittler - #15584

CLINE WILLIAMS

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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties who have entered an appearance in this case. I further certify that the foregoing was served upon the attorneys for the plaintiff by U.S. mail, first class postage prepaid as follows:

Raymond R. Aranza
Kirk B. Thompson
Marks Clare & Richards, LLC
11605 Miracle Hills Drive, Suite 300
Omaha, NE 68154

/s/ Terry R. Wittler
Terry R. Wittler

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